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Via ECF

August 16th, 2023

Hon. Andrew Carter  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: United States v. Belayet Hussain  
21-Cr-456(ALC)

Dear Judge Carter:

I represent Mr. Hussain who is seeking early termination of his term of Probation. Mr. Hussain pled guilty before the Court, on October 7<sup>th</sup> 2021. Mr. Hussain (along with his co-defendants)) pled guilty to 18 USC 545, involving the illegal importation of Siluriformes “catfish” into the United States. On July 15<sup>th</sup> 2022 the Court sentenced Mr. Hussain to two (2) years probation, with the condition that he complete 200 hours of community service, a \$5,000 fine, and the standard conditions of probation. Additionally, Mr. Hussain along with his co-defendants entered into an agreement with the Government (along with his co-defendants) which involved forfeiture of \$354,000, containers and the contents therein of seized property (see ECF #104). Mr. Hussain has paid the fine and completed the community service. He has served over a year on probations and has complied with any and all conditions of his probation. He has no prior criminal record and there is no likelihood of any future criminal conduct. He is gainfully employed at Blue Water USA Inc., located at 56-29 56<sup>th</sup> Drive, Maspeth New York. His residence is located at 93-19 201<sup>st</sup> Street, Hollis , New York where he lives in a modest two family home with his wife and two sons which is unchanged from when the matter was still before the Court.

Title 18 United States Code section 3564(c) authorizes the Court to terminate a defendant's term of Probation if:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

In my sentencing submission dated July 1<sup>st</sup> 2022 (see ECF #93) I detail and address the “3553(a)” factors which were considered by the Court on the date of sentence and are still relevant. Mr. Hussain has never presented a threat to the community, did not play an aggravated role in the matter that was before the Court, and the public is no way threatened or endangered by him. He has great respect for the law and is extremely remorseful for his conduct. He is deeply ashamed and scarred by the fact that he is a convicted felon, something that he could have never imagined he would be. Mr. Hussain understands that his decisions and actions led him to that status, and that his illegal conduct was very serious. Mr. Hussain while recognized that he was deserving of the punishment he received and accepts not just responsibility but the decision of the Court. He is looking to move on, and in his words have his freedom returned, which is a reflection how serious he accepts the sentence handed out by the Court. While the Court chose not to incarcerate him and he was grateful, thankful and relieved of that, he still feels the sting of being sentenced. Clearly the goals of 3553(a) have been met by the period of probation and the conditions the Court required as part of his probation.

Mr. Hussain is being supervised out the United States Department of Probation Eastern District of New York, Long Island Office. I contacted his supervising Probation Officer, Lisa Famularo seeking her position regarding his early termination. P.O. reviewed his obligations including his required community service and payment of his fine. He has been fully compliant with his Probation requirements and abided by any and all restrictions placed on him. She has no objection to this application<sup>1</sup>. I also attempted to contact the government regarding their position but have not received a response.

Accordingly, I ask the Court to terminate Mr. Hussain's period of Probation. I thank the Court for considering this application.

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<sup>1</sup> P.O. Famularo contact information is, United States Courthouse, 202 Federal Plaza, Central Islip, NY, (631)712-5355, Lisa\_Famularo@nyep.us.courts.gov

Respectfully submitted

/S/  
Steven L. Brounstein

The application is **GRANTED**.  
So Ordered.

9/20/23